

Panaji, 27th January, 1984 (Magha 7, 1905)

SERIES I No. 43

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Finance Department (Revenue and Control)

Notification

12/7/82-Fin (R & C)

The following Notification No. 26 (3)-Pension-Unit/82 dated 26-8-1983 received from Government of India, Ministry of Home Affairs, New Delhi is hereby republished for general information of the public.

Subhash V. Elekar, Under Secretary (Finance Exp.).

Panaji, 16th January, 1984.

26(3)-Pension Unit/82

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

Department of Personnel and Administrative Reforms

(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, 26 August, 1983

Notification

In exercise of the powers conferred by section 15 of the Pensions Act, 1871 (23 of 1871), the Central Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—These rules may be called the Payment of Arrears of Pension (Nomination) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Application.*—These rules shall apply to the Central Government pensioners who are in receipt of any pension under the rules which govern such pensioners and which is payable by the Government out of the Consolidated Fund of India.

3. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Pensions Act, 1871 (23 of 1871);

(b) "Form" means a Form appended to the rules;

(c) "nomination" means nomination made under these rules;

(d) "pension disbursing authority" means the authority through whom pension is drawn and includes—

(i) branch of a nominated public sector bank, or

(ii) treasury including sub-treasury, or

(iii) Accounts Officer.

4. *Nominee of pensioner to receive arrears of pension.*—Any pensioner to whom any pensions payable by the Government out of the Consolidated Fund of India may nominate any other person (hereinafter referred to as the nominee) in accordance with the provisions of rule 5 who shall receive, after the death of the pensioner all moneys payable to the pensioner on account of such pension on, before or after the date of such nomination and which remain unpaid immediately before the death of the pensioner.

5. *Nominations.*—(1) Every pensioner who has retired on or before the date of commencement of these rules shall within six months nominate any person for the purpose of rule 4 in Form 'A' and submit it, in triplicate, by personal service after taking receipt or by sending through registered post acknowledgement due to the respective Pension Disbursing Authority through whom pension is drawn.

(2) Within thirty days of the receipt of nomination of Form 'A' as referred to in sub-rule (1), the Pension Disbursing Authority shall get the particulars of the pensioner, as mentioned in Form 'A', verify with reference to the available records and return to the pensioner, after obtaining a receipt thereof, the duplicate copy of the nomination in Form 'A' duly attested by him or an officer authorised by him in this behalf. The triplicate copy shall be sent to the Accounts Officer of the Deptt. from where the pensioner had retired while the original copy of the nomination shall be recorded.

(3) Every employee who is due to retire after the date of commencement of these rules shall, submit the nomination, in triplicate, in Form 'A' to the Head of Office of the Department from where he is retiring within three months before or after the date of retirement.

(4) Within thirty days of the receipt of the nomination in Form 'A', under sub-rule (3), the Head of Office shall get the particulars of the pensioner, as mentioned in Form 'A', verify with reference to the records of the establishment and return to the pensioner, after obtaining the receipt thereof, a duplicate copy of the nomination in Form 'A', duly attested by him or by an officer authorised by him in this behalf. The triplicate copy duly accepted shall be sent to the Accounts Officer, who shall pass it on to the Pension Disbursing Authority alongwith the Pension Payment Order. If the Pension Payment Order has already been issued in a particular case, the nomination shall be sent separately quoting PPO number and other particulars of the pensioner to enable the Pension Disbursing Authority to link it up with the PPO.

(5) A notice of modification of nomination including cases where a nominee pre-deceases the pensioner shall be submitted in triplicate in Form 'B' to the Pension Disbursing Authority in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply *mutatis-mutandis* with modifications as if it was made under sub-rule (1).

(6) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the pensioner or, if he is illiterate, shall bear his thumb impression given in the presence of two witnesses

who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

(7) Nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the Pension Disbursing Authority or the Head of Office, as the case may be.

6. *Accepted nomination to be conclusive proof.*— A nomination made under rule 5 and accepted by the Pension Disbursing Authority or the Head of Office, shall be a conclusive proof with regard to the person nominated to receive arrears of pension of the pensioner under these rules.

7. *Mode of payment of arrears.*— The arrears of pension payable under these rules shall be paid in accordance with the provisions of the existing rules governing the mode of payment of pension.

8. *Interpretation.*— Where any doubt arises as to the interpretation of these rules, the matter shall be referred to the Government of India in the Ministry of Home Affairs (Department of Personnel and Administrative Reforms) for decision.

Sd/-

(S. R. AHIR)

Deputy Secretary to the Govt. of India

(FORM A)

(See Rule 5)

Pension Disbursing Authority/Head of Office

(Name of Bank/Treasury/Post Office/Accounts Officer etc.) (Place) ...

... hereby nominate the person

(Name of the pensioner in capital letters)

Named below under rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1983.

Name and address of the nominee	Relationship with pensioner	If nominee is minor		Name and address of other nominee in case the nominee under column (1) above predeceases the pensioner	Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency on happening of which nomination shall become invalid
		Date of birth	Name and address of person who may receive the said pension during the nominee's minority					
1	2	3	4	5	6	7	8	9

Place ...

Date ...

Witness: Signature

Name and address

Signature of Pension Disbursing Authority/Head of Office

(Acknowledgement to be sent by the Pension Disbursing Authority/Head of Office)

Certified that application/nomination has been received from ... (Name of Pensioner) whose address is

Place ...

Date ...

Signature of Pension Disbursing Authority

Bank/Treasury/P.O./Accounts Officer/Head of Office

Full Address ...

Signature (or thumb impression if illiterate) and name of pensioner Address:

Form B
[(See Rule 5(5))]

The Pension Disbursing Authority

Name of the Bank/Treasury/Post Office/Accounts Officer etc.

Place ...

I, ... hereby make the following

(Name of Pensioner in capital letters)

Alternative nomination in cancellation of the previous nomination made on ... under rule 5 of the Payment of Arrears of Pension (Nomination) Rules, 1983.

Name and address of the nominee	Relationship with pensioner	Date of birth	If nominee is minor		Relationship with pensioner	Date of birth if the other nominee is minor	Name and address of person who may receive the pension during the other nominee's minority	Contingency on the happening of which nomination shall become invalid
			Name and address of person who may receive the said pension during the nominee's minority	Name and address of the other nominee in case the nominee under column (1) above predeceases the pensioner				
1	2	3	4	5	6	7	8	9

Place ...

Date ...

Witness: Signature:

Name and Address ...

Signature of Pension Disbursing Authority

Date Stamp ...

Certified that application/nomination (Form B) has been received from ... at

(Name of the pensioner) whose address is ...

Form A has been cancelled and returned to him.

Place:

Date: ...

Signature (or thumb impression if illiterate) and name of pensioner Address:

Signature of Pension Disbursing Authority

PO/Bank/Treasury with full address.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/151/84

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 17th January, 1984 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Shops and Establishments

(Amendment) Bill, 1984

(Bill No. 3 of 1984)

A

BILL

to amend the Goa, Daman and Diu Shops and Establishments Act, 1973.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fourth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Shops and Establishments (Amendment) Act, 1984.

(2) It shall come into force at once.

2. **Amendment of section 2.**— After clause (10) of section 2 of the Goa, Daman and Diu Shops and

Establishments Act, 1973 (13 of 1974) (hereinafter referred to as "the principal Act") the following new clause shall be inserted, namely:—

"(10 A) 'Gada' means an establishment mounted on wheels, whether moving or stationary and constructed by using either wood or metal sheets or both and managed by the owner himself or a member of his family or a dependent and the value of the goods stored therein, on any particular day, for the purpose of trading does not exceed Rs. 1,000/-.

Explanation.—For the purpose of valuation of the goods, the Inspector shall be competent to make an assesment thereof and for this purpose he may take into consideration the valuation made, if any, by any local authority."

3. **Amendment of section 24.**— In section 24 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every employee in any establishment shall also be entitled to seven holidays in a year with wages which shall include the 26th January (Republic Day), the 1st May (May Day), the 15th August (Independence Day), the 2nd October (Gandhi Jayanti) and the 19th December (Goa Liberation Day), in addition to two holidays to be availed of after prior fixation and declaration made in the prescribed manner by each establishment in the first month of the year:

Provided that the employer may require any employee to work in the establishment on all or

any of these days subject to the condition that for such work the employee shall be paid double the amount of the daily wages and also be granted leave on any other day in lieu of the holiday."

4. **Amendment of section 25.**—In section 25 of the principal Act, —

(i) the words and figures "or the holidays allowed under section 24" shall be omitted;

(ii) the words "average of his" shall be omitted.

5. **Amendment of section 61.**—In sub-section (1) of section 61 of the principal Act, —

(i) in clause (a), for the words "five hundred rupees", the words "one thousand six hundred rupees" shall be substituted;

(ii) after clause (d), the following new clauses shall be inserted, namely: —

“(e) establishments belonging to any nationalised or scheduled bank;

(f) establishments known as ‘Gadas’ as defined under clause (10-A) of section 2.”

Statements of Objects and Reasons

During the course of implementation of the Goa, Daman and Diu Shops and Establishments Act, 1973, it is found that on account of closure of shops and establishments on certain national holidays, as required under section 24 of the Act, people are put to severe hardship and inconvenience. It is, therefore, proposed to enable the employers to keep their establishments open on such public holidays subject to compliance of certain conditions.

2. The Act applies to all shops and establishments irrespective of their size. It has been represented to the Government that small shops like ‘gadas’ find it difficult to comply with various provisions of the Act. In view of the fact that these establishments are conducted by weaker sections of the community by way of self employment, it is felt that they should be exempted from the provisions of the Act. The present Bill seeks to achieve this object also.

3. Presently, the Act applies to workmen receiving wages not exceeding Rs. 500/-. It is, however, found that the wages of the employees have since been increased in many shops and establishments since 1973. The wage ceiling, therefore, requires revision. Consequent upon the upward revision of wages under the Payment of Wages Act, it is proposed to amend the provisions of our Act, so as to cover workmen receiving wages upto Rs. 1,600/-.

4. The Central Government has also suggested that the Act may be amended so as to exclude the employees of Commercial Banks from the purview of the Act, since they are enjoying various benefits under the awards applicable to banking establishments. The present Bill seeks to achieve this object also.

Financial Memorandum

No financial implications are involved in the Bill since the existing machinery will carry out the enforcement of the proposed amendments.

Panaji,
12th January, 1984.

A. N. NAIK
Minister for Industries
and Labour.

Assembly Hall,
Panaji,
12th January, 1984.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu.

(Annexure to Bill no. 3 of 1984)

The Goa, Daman and Diu Shops and Establishments (Amendment) Bill, 1984

The Goa, Daman and Diu Shops and Establishments Act, 1973
(Act No. 13 of 1974)

24. **Other holidays.**—(1) Every employee in any establishment shall also be entitled to seven holidays in a year with wages on the days to be specified by notification from time to time by the Government which shall include the 26th January (Republic Day), 15th August (Independence Day), 2nd October (Gandhi Jayanti) and 19th December (Liberation Day) and 1st May; and on every such holiday, the establishment should remain closed:

Provided that any such employee in any residential hotel, restaurant, eating house, theatre, or any place of public amusement or entertainment may be required to work in such establishment or any such holiday subject to the condition that in lieu thereof, a compensatory holiday with wages shall be allowed to such person within thirty days from the date of such holiday:

Provided further that such compensatory holidays shall not exceed seven in a year and where any such employee in any such establishment is required to work on any such compensatory holiday, he shall be paid additional wages at the ordinary rate of wages in lieu of such holidays.

25. **Pay during leave and holidays.**—Every employee shall, for the period of the leave allowed under sub-sections (1) and (4) of section 23 or the holidays allowed under section 24, be paid at a rate equivalent to the daily average of his wages for the days on which actually worked during the preceding month exclusive of any earnings in respect of overtime.

61. **Exemptions.**—(1) Nothing in this Act shall apply to—

(a) employees in any establishments whose average monthly wages exceed five hundred rupees;

(b) establishments under the Central and State Governments, local authorities, cantonment authorities, the Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of article 366 of the Constitution;

(c) establishments in mines and oil fields;

(d) establishments in bazaar or in places where fairs or festivals are held temporarily for a period not exceeding one month at a time.

Assembly Hall,
Panaji,
12th January, 1984.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu.